

1 Mark R. Vermeulen [State Bar No. 115381]
2 Law Office of Mark R. Vermeulen
3 755 Florida Street #4
4 San Francisco, CA 94110.2044
5 Phone: 415.824.7533
6 Fax: 415.824.4833

7 Lawrence E. Biegel [CSBN 44426]
8 Joseph A. Cisneros [CSBN 184907]
9 The Biegel Law Firm
10 2801 Monterey-Salinas Hwy., Suite A
11 Monterey, CA 93940
12 Phone: 831.373.3700
13 Fax: 831.373.3780

14 Attorneys for Defendant
15 NANCY BLACK

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

18 UNITED STATES OF AMERICA,) No. CR 12-0002 EJD
19 Plaintiff,)
20 v.) STIPULATION AND Proposed ORDER
21 NANCY BLACK,) CONTINUING HEARING AND EXCLUDING
22 Defendant.) AND EXTENDING TIME

23 A further status hearing is set in this case for October 1, 2012 at 1:30 p.m., with Defendant
24 Nancy Black's appearance being waived. Due to the death of the mother of Ms. Black, the parties
25 efforts at meeting and conferring have been put on hold until after October 8, 2012. Due to conflicts
26 with the trial schedule of Ms. Black's Monterey counsel and the travel schedule of the DOJ Trial
27 Attorney handling this case, the first available date for a rescheduled status hearing is November 19,
28 2012. The parties believe that such a continuance would be appropriate in light of the foregoing and
29 their ongoing discussions regarding this case.

30 Based on the foregoing, **THE PARTIES STIPULATE AND REQUEST** that the hearing
currently set for October 1, 2012 be continued to November 19, 2012 at 1:30 p.m. with Ms. Black's
appearance being waived.

1 **THE PARTIES FURTHER STIPULATE AND REQUEST** that the Court find that the ends
2 of justice are served by excluding the time from October 1, 2012 to November 19, 2012 from
3 computation under the Speedy Trial Act because the failure to exclude time would unreasonably deny
4 counsel for Defendant the reasonable time necessary for effective preparation of counsel, taking into
5 account the exercise of due diligence, and the ends of justice served by excluding the above time
6 outweigh the best interests of the public and the Defendant in a speedy trial under 18 U.S.C. §
3161(h)(7).

7 IT IS SO STIPULATED.

8 Dated: September 26, 2012

Melinda Haag
United States Attorney

10 /S/

Christopher L. Hale
Jeffrey B. Schenk
Assistant United States Attorneys

13 Dated: September 26, 2012

14 /S/

Mark R. Vermeulen
Lawrence E. Biegel
Attorneys for Defendant
NANCY BLACK

17 **ORDER**

18 Based on the foregoing stipulation, and good cause appearing,

19 IT IS HEREBY ORDERED that the hearing currently set for October 1, 2012 shall be continued
20 to November 19, 2012.

21 IT IS FURTHER ORDERED that the Court finds that the ends of justice are served by excluding
22 the time from October 1, 2012 to November 19, 2012 from computation under the Speedy Trial Act
23 because the failure to exclude time would unreasonably deny counsel for Defendant the reasonable time
24 necessary for effective preparation of counsel, taking into account the exercise of due diligence, and the
25 ends of justice served by excluding the above time outweigh the best interests of the public and the
26 Defendant in a speedy trial under 18 U.S.C. § 3161(h)(7).

27 IT IS SO ORDERED.

28 Dated: September 28, 2012

29 Edward J. Davila
United States District Judge